

## **OVERVIEW AND TIMELINE OF METRO TOWNSHIP INCORPORATION AND CONVERSION**

- 1. 2015: S.B. 199 (Local Government Revisions):**
  - a. Created the “metro township” form of municipal government and required voters in SLCo’s unincorporated townships to incorporate – as a city or town or as a Metro;
  - b. Limited the Metros’ taxation authority because it was assumed SLCo would provide administrative and legal services to metros (*see* UCA § 10-3c-204);
  - c. Assumed the Metros would be “quasi cities;”
  - d. Copperton, Emigration Canyon, Kearns, Magna and White City voted to become Metros; and
  - e. Millcreek voted to become a city.
- 2. 2016: S.B. 150 (Metro Township Amendments):**
  - a. Authorized the Metros to perform city and town functions;
  - b. Codified the election of the Metro Councils; and
  - c. Revised the definition of “municipality” in the Utah Code to include Metros.
- 3. 2016 – 2017 (Metros Incorporate as Municipalities):**
  - a. November 2016: Metro Councils are elected;
  - b. December 2016: Lt. Governor certified the Metros as municipalities;
  - c. January 2017: Metros began operating as municipalities;
  - d. March 2017: SB 138 (Metro Township Amendments) became effective, clarifying the Metros’ responsibilities regarding budget and ordinance adoption, local-option sales tax reporting and collection, and class B and C road distributions, among others; and
  - e. August 2017: The SLCo Mayor’s office stopped providing administrative support to the Metros.
- 4. 2018: S.B. 175 (Metro Township Amendments):**
  - a. Converted the Chairs and Vice Chairs of the Metro Councils into Mayors and Mayors Pro Tempore;
  - b. Clarified the amounts and classifications of revenues the Metros can share with the Greater Salt Lake Municipal Services District (“MSD”), which provides land use, code enforcement, and other administrative municipal services to the Metros and the Town of Brighton; and
  - c. Reduced SLCo’s representation on the MSD Board to one trustee.
- 5. 2019: S.B. 124 (Local Government Administration Amendments):**
  - a. Removed the SLCo Mayor as the CEO of the MSD;
  - b. Removed the requirement in Utah Code § 10-3c-203 that SLCo’s clerk, treasurer, surveyor, engineer, and auditor must fulfill those roles for the Metros;
  - c. The Metros can now contract with SLCo for these services or assign them to non-SLCo officials – just like other municipalities;
  - d. Amended Utah Code § 68-3-12.5 to clarify that the terms “city” and “town” within the Utah Code include the Metros, depending on a Metro’s population;
  - e. SLCo’s Planning and Development Services transitioned to the MSD; and
  - f. Now, all services SLCO provides to the Metros are pursuant to contract and the Metros can contract with other providers, if they choose like any other municipality.
- 6. 2021: S.B. 58 (Metro Township Amendments):** authorized the Metros to impose municipal energy sales and use taxes and municipal telecommunications license taxes.
- 7. 2022: The Utah League of Cities and Towns Admits the Metro Townships as Full Members**
- 8. 2024: H.B. 35 Converts Metro Townships to Cities and Towns on May 1, 2024**

3086 **17B-1-502 (Effective 05/01/24). Withdrawal of area from special district --**3087 **Automatic withdrawal in certain circumstances.**

3088 (1) (a) An area within the boundaries of a special district may be withdrawn from the  
3089 special district only as provided in this part or, if applicable, as provided in Chapter  
3090 2a, Part 11, Municipal Services District Act.

3091 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a special  
3092 district within a municipality because of a municipal incorporation under Title 10,  
3093 Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary  
3094 adjustment under Title 10, Chapter 2, Part 4, Annexation, does not affect the  
3095 requirements under this part for the process of withdrawing that area from the special  
3096 district.

3097 (2) (a) An area within the boundaries of a special district is automatically withdrawn  
3098 from the special district by the annexation of the area to a municipality or the adding  
3099 of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part  
3100 4, Annexation, if:  
3101 (i) the special district provides:  
3102 (A) fire protection, paramedic, and emergency services; or  
3103 (B) law enforcement service;  
3104 (ii) an election for the creation of the special district was not required because of  
3105 Subsection 17B-1-214(3)(d) or (g); and  
3106 (iii) before annexation or boundary adjustment, the boundaries of the special district  
3107 do not include any of the annexing municipality.

3108 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
3109 Subsection 17B-1-512(2)(b).

3110 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of a  
3111 special district located in a county of the first class is automatically withdrawn from  
3112 the special district by the incorporation of a municipality whose boundaries include  
3113 the area if:  
3114 (i) the special district provides municipal services, as defined in Section 17B-2a-1102,  
3115 excluding fire protection, paramedic, emergency, and law enforcement services;  
3116 (ii) an election for the creation of the special district was not required because of  
3117 Subsection 17B-1-214(3) (g); and  
3118 (iii) the legislative body of the newly incorporated municipality:  
3119 [(A) for a city or town incorporated under Title 10, Chapter 2a, Part 4,

3120 ~~Incorporation of Metro Townships and Unincorporated Islands in a County of~~  
3121 ~~the First Class on and after May 12, 2015, complies with the feasibility study~~  
3122 ~~requirements of Section 17B-2a-1110;]~~

3123 ~~[(B)] (A)~~ adopts a resolution no later than 180 days after the effective date of  
3124 incorporation approving the withdrawal that includes the legal description of  
3125 the area to be withdrawn; and

3126 ~~[(C)] (B)~~ delivers a copy of the resolution to the board of trustees of the special  
3127 district.

3128 (b) The effective date of a withdrawal under this Subsection (3) is governed by  
3129 Subsection 17B-1-512(2)(a).

3130 (c) ~~Section 17B-1-505 [shall govern] governs~~ the withdrawal of an incorporated area  
3131 within a county of the first class if:

3132 (i) ~~the special district from which the area is withdrawn provides:~~  
3133 (A) ~~fire protection, paramedic, and emergency services;~~  
3134 (B) ~~law enforcement service; or~~  
3135 (C) ~~municipal services, as defined in Section 17B-2a-1102;~~  
3136 (ii) ~~an election for the creation of the special district was not required under~~  
3137 ~~Subsection 17B-1-214(3)(d) or (g); and~~  
3138 (iii) ~~for a special district that provides municipal services, as defined in Section~~  
3139 ~~17B-2a-1102, excluding fire protection, paramedic, emergency, and law~~  
3140 ~~enforcement services, the 180-day period described in Subsection [(3)(a)(iii)(B)]~~  
3141 ~~(3)(a)(iii)(A) is expired.~~

3142 (d) ~~An area may not be withdrawn from a special district that provides municipal~~  
3143 ~~services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic,~~  
3144 ~~emergency, and law enforcement services, if[: (i)] the area is [incorporated as a metro~~  
3145 ~~township; and] within a converted municipality, as defined in Section 10-1-201.5.~~  
3146 ~~[(ii) at the election to incorporate as a metro township, the residents of the area~~  
3147 ~~choose to be included in a municipal services district.]~~

3148 Section 51. Section 17B-2a-1102 is amended to read:

3149 **17B-2a-1102 (Effective 05/01/24). Definitions.**

3150 As used in this part[:]

3151 [(1) "Municipal , "municipal services" means one or more of the services identified in  
3152 Section 17-34-1, 17-36-3, or 17B-1-202.

3153 [(2) "Metro township" means:]

**Effective 5/1/2024**

**17B-1-504 Initiation of withdrawal process -- Notice of petition.**

(1) Except as provided in Section 17B-1-505, the process to withdraw an area from a special district may be initiated:

- (a) for a special district funded predominantly by revenues from property taxes or service charges other than those based upon acre-feet of water:
  - (i) by a petition signed by the owners of private real property that:
    - (A) is located within the area proposed to be withdrawn;
    - (B) covers at least 51% of the total private land within the area proposed to be withdrawn; and
    - (C) is equal in taxable value to at least 51% of the taxable value of all private real property within the area proposed to be withdrawn;
  - (ii) by a petition signed by registered voters residing within the area proposed to be withdrawn equal in number to at least 67% of the number of votes cast in the same area for the office of governor at the last regular general election before the filing of the petition;
  - (iii) by a resolution adopted by the board of trustees of the special district in which the area proposed to be withdrawn is located, which:
    - (A) states the reasons for withdrawal; and
    - (B) is accompanied by a general description of the area proposed to be withdrawn; or
  - (iv) by a resolution to file a petition with the special district to withdraw from the special district all or a specified portion of the area within a municipality or county, adopted by the governing body of a municipality that has within its boundaries an area located within the boundaries of a special district, or by the governing body of a county that has within its boundaries an area located within the boundaries of a special district that is located in more than one county, which petition of the governing body shall be filed with the board of trustees only if a written request to petition the board of trustees to withdraw an area from the special district has been filed with the governing body of the municipality, or county, and the request has been signed by registered voters residing within the boundaries of the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in the same area for the office of governor at the last regular general election before the filing of the petition;
- (b) for a special district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector:
  - (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or
  - (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted to the land proposed to be withdrawn;
- (c) for a special district funded predominantly by revenues other than property taxes, service charges, or assessments based upon an allotment of acre-feet of water:
  - (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or
  - (ii) by a petition signed by the registered voters residing within the entire area proposed to be withdrawn, which area shall be comprised of an entire unincorporated area within the special district or an entire municipality within a special district, or a combination thereof, equal in number to at least 67% of the number of votes cast within the entire area proposed to be withdrawn for the office of governor at the last regular general election before the filing of the petition; or
- (d) for an infrastructure financing district, by a petition signed by 100% of the owners of all surface property within the area proposed to be withdrawn.

(2)

- (a) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of the petition shall:
  - (i) notify the special district board with which the petition is intended to be filed that the sponsors will be soliciting signatures for a petition; and
  - (ii) mail a copy of the petition to the special district board.
- (b) Subsection (2)(a) does not apply to a petition to withdraw an area from an infrastructure financing district.

Amended by Chapter 388, 2024 General Session

**Effective 2/27/2023**

**17B-1-505 Withdrawal of municipality from certain districts providing fire protection, paramedic, and emergency services or law enforcement service or municipal services.**

(1) As used in this section, "first responder district" means a special district, other than a municipal services district, that provides:

- fire protection, paramedic, and emergency services; or
- law enforcement service.

(2) This section applies to the withdrawal of a municipality that is entirely within the boundary of a first responder district or municipal services district that was created without the necessity of an election because of Subsection 17B-1-214(3)(d) or (g).

(3)

- The process to withdraw a municipality from a first responder district or municipal services district may be initiated by a resolution adopted by the legislative body of the municipality, subject to Subsection (3)(b).
- The legislative body of a municipality that is within a municipal services district may not adopt a resolution under Subsection (3)(a) to withdraw from the municipal services district unless the municipality has conducted a feasibility study in accordance with Section 17B-2a-1110.
- Within 10 days after adopting a resolution under Subsection (3)(a), the municipal legislative body shall submit to the board of trustees of the first responder district or municipal services district written notice of the adoption of the resolution, accompanied by a copy of the resolution.

(4) If a resolution is adopted under Subsection (3)(a) by the legislative body of a municipality within a municipal services district, the municipal legislative body shall hold an election at the next municipal general election that is more than 60 days after adoption of the resolution on the question of whether the municipality should withdraw from the municipal services district.

(5)

- A municipality shall be withdrawn from a first responder district if:
  - the legislative body of the municipality adopts a resolution initiating the withdrawal under Subsection (3)(a); and
  - (A) whether before or after the effective date of this section, the municipality and first responder district agree in writing to the withdrawal; or
  - (B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of the municipality approve the withdrawal at an election held for that purpose.
- An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study is conducted under Section 17B-1-505.5 and a public hearing is held under Subsection 17B-1-505.5(14), the municipality and first responder district agree in writing to the withdrawal.

(6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

- a feasibility study is conducted under Section 17B-1-505.5; and
- (b)
  - the feasibility study concludes that the withdrawal is functionally and financially feasible for the municipality and the first responder district; or
  - (A) the feasibility study concludes that the withdrawal would be functionally and financially feasible for the municipality and the first responder district if conditions specified in the feasibility study are met; and

- (B) the legislative body of the municipality adopts a resolution irrevocably committing the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal is approved by the municipality's voters.
- (7) If a majority of those voting on the question of withdrawal at an election held under Subsection (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be withdrawn from the special district.
- (8)
  - (a) Within 10 days after the canvass of an election at which a withdrawal under this section is submitted to voters, the municipal legislative body shall send written notice to the board of the first responder district or municipal services district from which the municipality is proposed to withdraw.
  - (b) Each notice under Subsection (8)(a) shall:
    - (i) state the results of the withdrawal election; and
    - (ii) if the withdrawal was approved by voters, be accompanied by a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- (9) The effective date of a withdrawal under this section is governed by Subsection 17B-1-512(2)(a).

Amended by Chapter 15, 2023 General Session

**Effective 5/1/2024**

**17B-2a-1110 Withdrawal from a municipal services district upon incorporation -- Feasibility study required for city or town withdrawal -- Public hearing -- Notice -- Revenues transferred to municipal services district.**

(1) (a) A municipality may withdraw from a municipal services district in accordance with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this section.

(b) If a municipality engages a feasibility consultant to conduct a feasibility study under Subsection (2)(a), the 180 days described in Subsection 17B-1-502(3)(a)(iii)(A) is tolled from the day that the municipality engages the feasibility consultant to the day on which the municipality holds the final public hearing under Subsection (5).

(2) (a) If a municipality decides to withdraw from a municipal services district, the municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

(b) The feasibility consultant shall be chosen:

    (i) by the municipal legislative body; and

    (ii) in accordance with applicable municipal procurement procedures.

(3) The municipal legislative body shall require the feasibility consultant to:

    (a) complete the feasibility study and submit the written results to the municipal legislative body before the council adopts a resolution under Section 17B-1-502;

    (b) submit with the full written results of the feasibility study a summary of the results no longer than one page in length; and

    (c) attend the public hearings under Subsection (5).

(4) (a) The feasibility study shall consider:

    (i) population and population density within the withdrawing municipality;

    (ii) current and five-year projections of demographics and economic base in the withdrawing municipality, including household size and income, commercial and industrial development, and public facilities;

    (iii) projected growth in the withdrawing municipality during the next five years;

    (iv) subject to Subsection (4)(b), the present and five-year projections of the cost, including overhead, of municipal services in the withdrawing municipality;

    (v) assuming the same tax categories and tax rates as currently imposed by the municipal services district and all other current service providers, the present and five-year projected revenue for the withdrawing municipality;

    (vi) a projection of any new taxes per household that may be levied within the withdrawing municipality within five years of the withdrawal; and

    (vii) the fiscal impact on other municipalities serviced by the municipal services district.

    (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a level and quality of municipal services to be provided to the withdrawing municipality in the future that fairly and reasonably approximates the level and quality of municipal services being provided to the withdrawing municipality at the time of the feasibility study.

    (ii) In determining the present cost of a municipal service, the feasibility consultant shall consider:

        (A) the amount it would cost the withdrawing municipality to provide municipal services for the first five years after withdrawing; and

- (B) the municipal services district's present and five-year projected cost of providing municipal services.
- (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation and anticipated growth.
- (5) If the results of the feasibility study meet the requirements of Subsection (4), the municipal legislative body shall, at its next regular meeting after receipt of the results of the feasibility study, schedule at least one public hearing to be held:
  - (a) within the following 60 days; and
  - (b) for the purpose of allowing:
    - (i) the feasibility consultant to present the results of the study; and
    - (ii) the public to become informed about the feasibility study results, including the requirement that if the municipality withdraws from the municipal services district, the municipality must comply with Subsection (9), and to ask questions about those results of the feasibility consultant.
- (6) At a public hearing described in Subsection (5), the municipal legislative body shall:
  - (a) provide a copy of the feasibility study for public review; and
  - (b) allow the public to express its views about the proposed withdrawal from the municipal services district.
- (7)
  - (a) The municipal clerk or recorder shall publish notice of the public hearings required under Subsection (5) for the municipality, as a class A notice under Section 63G-30-102, for at least three weeks before the day of the first hearing described in Subsection (5).
  - (b) The notice under Subsection (7)(a) shall include the feasibility study summary and shall indicate that a full copy of the study is available for inspection and copying at the office of the municipal clerk or recorder.
- (8) At a public meeting held after the public hearing required under Subsection (5), the municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as applicable, if the municipality is in compliance with the other requirements of that section.
- (9) The municipality shall pay revenues in excess of 5% to the municipal services district for 10 years beginning on the next fiscal year immediately following the municipal legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502 or 17B-1-505 if the results of the feasibility study show that the average annual amount of revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection (4)(a)(iv) by more than 5%.

Amended by Chapter 438, 2024 General Session